

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
January 29, 2008**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:04 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Smith (alt. for Sines), Zondag, and Ms. Hausch. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

MINUTES

Mr. Schaedlich suggested changes to page 4 – eliminate, not delineate; pages 6-10 – Phase 2, not Phase II throughout the subdivision review; and page 13 – lose, not loose. Mr. Zondag moved to approve the minutes of December 18, 2007 with the aforementioned changes and Ms. Hausch seconded the motion.

Seven voted “Aye”.
Mr. Siegel abstained.

FINANCIAL REPORT

Mr. Schaedlich moved to approve the December, 2007 Financial Report as submitted and Mr. Siegel seconded the motion.

Eight voted “Aye”.

ELECTION OF OFFICERS

Mr. Adams, Chairman of the 2008 Nomination Committee, stated they had nominated Mr. Siegel, Chairman; Ms. Pesech, Vice-Chair; and Mr. Webster, Secretary/Director. Ms. Pesech was absent, but had mentioned to Mr. Siegel previously that she was interested and he felt confident that she would entertain the nomination as Vice-Chair. Mr. Siegel and Mr. Webster accepted their nominations.

Mr. Schaedlich moved to accept the nominations as stated and Mr. Morse seconded the motion.

Eight voted “Aye”.

Mr. Adams thanked Mr. Brotzman for doing an outstanding job as Chairman and all concurred.

**2008 MEETING DATES
2008 MEETING TIMES**

Mr. Smith, alternate for Mr. Sines, came in at 7:23 p.m.

It was noted that the agenda stated meeting dates and times for 2006 and should be corrected to 2008.

Mr. Radachy said these dates were set up so there would be 35 working days for preliminary plans for most months, except for the months of March, June, August and December. It will be necessary to call a special meeting if 35 working days are needed for additional review of a preliminary plan for those months.

Mr. Schaedlich was concerned about changing the Tuesday before Thanksgiving meeting

to ensure a quorum. Mr. Zondag wanted to keep the meeting on November 25 for consistency purposes and believed it could be changed in November if necessary.

Mr. Adams and Mr. Schaedlich preferred the December meeting to be held Tuesday, December 16, 2008.

Mr. Radachy stated there had been a lot of issues with the early meeting dates in December in 2007 because a lot of the zoning commission meetings were being held the same day as the Planning Commission meeting. They did not have enough time to set a public hearing and go through our Land Use and Zoning meeting to be included in the December Planning Commission meeting. Mr. Siegel suggested the staff should forewarn the townships in October or November about the short time period in December.

Mr. Schaedlich moved to approve the slate as submitted with the exception of the December meeting to be held on December 16, 2008.

Mr. Radachy stated a point of order that the dates for pre-applications or subdivision due dates corresponding to December 16, 2008, were not listed on the submitted list. He respectfully requested that the December 1 date be kept for the subdivision packets due date, November 17 for pre-application deadlines, and November 24 for pre-application meetings.

Mr. Schaedlich restated the motion to approve the slate as submitted except for December's meeting to be held on December 16, 2008 and to include the due date for subdivision packets and pre-application deadlines and meetings as stated by staff. Mr. Smith seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Ms. Patricia Nocero, Assistant Prosecutor, said there were no legal issues to report.

DIRECTOR'S REPORT

The budget hearing for the Planning Commission will be held on February 20, 2008.

Mr. Webster reported that Ms. Hausch holds the record for the longest period of time as a Planning Commission Member as of now with 23 years of service. She was congratulated by all.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

Concord Township – Mountainside Farms, Phase 2, Release of Construction Surety Without Placing the Subdivision in Two Year Maintenance Period

Mr. Schaedlich moved that the Mountainside Farms, Phase 2 release of construction surety be removed from the table. Ms. Hausch seconded the motion.

All voted "Aye".

Mr. Radachy explained a letter requesting a one-year time period for the maintenance surety in lieu of the two-year requirement was received from Mr. Joseph Gutosky, the engineer from Mountainside Farms, Phase 2. Last month, they had asked for a complete release of the maintenance surety. A meeting was held with the County Engineer, the developer's engineer and the township to discuss this issue and most of the parties were agreeable to a one-year maintenance period. Concord Township would still like to have a two-year maintenance period.

Ms. Connie Luhta, Concord Township Trustee, addressed the members on this topic. She explained that she had no problems with this particular developer. In general, the Township would like to retain the three-year maintenance period because there has been a problem with roads, especially now that the development is slower than it used to be. Roads need longer

maintenance periods to see that they are satisfactory. She asked the Planning Commission to please consider leaving this particular maintenance surety at two years.

Mr. Joseph Gutosky stated that when the final one-year maintenance bond is up, the road will have been in for three years and three months from when the original punch list was done and they thought it was in maintenance. The money was actually in escrow for maintenance for two years.

Mr. Siegel asked why the punch list was done so late and Mr. Gutosky said two years ago in October 2005, they finished their improvements, paved, and completed the county's punch list. In the fall, the County requested a punch list because they were planning to go out of maintenance and turn the road over. So, another punch list was done after the road had been in place for two years.

Mr. George Hadden, of the County Engineer's office, replied that the punch list was reviewed in October of 2005 and the repairs had been done. There were some big repairs done in the Fall of 2007 and the developer has been held responsible for all the County Engineer's requests.

Mr. Zondag asked what the dates of the bond would be if the one-year period was permitted. Mr. Radachy stated the normal process for the maintenance surety was for the County Engineer to send a letter to the Lake County Board of Commissioners recommending the subdivision go into maintenance; the staff receives a copy of the letter. When staff receives a bond from the developer, staff notifies the Commissioners and they send a seven-day notice to the township and then place it on their agenda. This would put the bond's closure sometime in early to mid-February, 2009. Mr. Gutosky said the punch list would go out in the Fall of this year.

Mr. Brotzman confirmed with Mr. Gutosky that, if they had requested the maintenance in 2005, it would have come off maintenance last month.

Mr. Siegel stated that the second punch list had only been completed last Fall when the developer had anticipated it coming out of maintenance.

Mr. Hadden stated that everyone had thought it was in maintenance, but it had never actually been requested to be put in maintenance. The procedure was to wait for the developer to send a letter requesting the subdivision to go into maintenance, which was never received in this case. Not sending the letter was an oversight of the developer.

Mr. Brotzman was concerned about whether a solution had been put in place so this problem could be avoided in the future. Mr. Hadden stated that he and Mr. Radachy were working on a spreadsheet that could be used in the future. Mr. Radachy said the construction surety agreement was also being rewritten to allow the developers to continue the construction surety through the three-year maintenance.

Mr. Siegel asked if Ms. Luhta was still opposed. She stated she thought the maintenance surety was to be removed completely, but with the one year making it a total of three years, she thought it would be acceptable. She was glad to hear that the three-year maintenance will be continued for any new subdivisions.

Mr. Schaedlich moved to allow a one-year maintenance period to begin in February, 2008 and the motion was seconded by Mr. Smith.

All voted "Aye".

Subdivision Report

Notification of Preliminary Plan Approval Expirations:

Mr. Radachy reported that letters had been sent to the developers of Quail Hollow 10, Quail Hollow 11, and Crossroads of Summerwood that their three-year preliminary plan approval is coming due. The Commission did extensions for Quail Hollow 10 and 11 last February because they had issues with getting delineations from the Corps. According to the developer's engineer, Land Design, they recently received their delineations, but would not be

able to complete their improvement plans in a month and will probably ask for an extension. Crossroad of Summerwood's normal preliminary plan approval is up in June and they have been given four months warning so they could start on their improvement plans and final plat before the expiration is up.

Mr. Zondag asked what was required from the members to approve an extension. Mr. Radachy explained that the developer needs to ask for an extension first. They would need to have a good reason to ask for the extension or mitigating circumstances of why they could not go forward with their obligations that they signed off on for the preliminary application. A good reason to extend would include something beyond their control, i.e. waiting approvals from the Corps or the Ohio EPA or possibly a death. If an extension is not granted, they would need to file improvement plans and a final plat before the deadline or they would have to start over with a new preliminary application.

Mapleview Subdivision:

Mr. Radachy continued with his report on Mapleview Subdivision in Painesville Township located north of Rt. 2, off of Richmond Road. Letters were received from the County Sanitary Engineering stating water and sanitary sewer were installed and approved. We are waiting for the developers to submit the bond to us to place it in maintenance. The County Engineer should let us know if the road is completed in a final inspection. Staff received copies of the plat; reviewed them, and forwarded them to the Prosecutor for their first review where a list of items that need to be changed will be returned to staff. This list, in turn, will then be submitted to the developer.

LAND USE AND ZONING REVIEW

Concord Township – Proposed District Amendment for Conditional Light Manufacturing Use in GB/RD-2 Split Districts

Mr. Radachy explained the Concord Township amendment would allow light manufacturing as a conditional use for GB properties in the lot split zoning of the GB/RD-2 Districts. The applicant is Concord Real Estate Investments and the district is just south of the new hospital site on the west side of Auburn Road adjacent to Capital Parkway. The four parcels consist of about 38 acres.

Mr. Radachy read a foot note at the bottom of table 22.03 that stated: *“For split-zoned parcels located with the GB and RD-2 districts, with frontage on Auburn Road, Capitol Drive and Discovery Drive, light manufacturing will be a conditional use, subject to the conditions set forth in 22.02 (B) of this zoning resolution.”* 22.02 B of the Concord Township Zoning Resolution states: *“A use listed in Section 22.03 shall be permitted as a conditional use in a district when denoted by the letter “C”, provided the Board of Zoning Appeals first makes the determination that the requirements and procedures of Section XIII, Conditional Use Permits, and Section XXXVI, Site Plan Review, of the Zoning Resolution have been met.”* There are no conditions listed in this section nor is there a reference to section XIII, the conditional use section of the Concord Township Zoning Resolution.

The proposed language states: *“For split-zoned parcels located with the GB and RD-2 districts, with frontage on Auburn Road, Capitol Drive and Discovery Drive, light manufacturing will be a conditional use, subject to the conditions set forth in 22.02 (B) of this zoning resolution.”* The way the text amendment is written, it would only affect parcels 8A-20A-1 and 8A-20A-3. Parcel 8A-20A-4 lacks frontage on Capitol Parkway and Parcel 8A-20A-5 is meant to be a road and lacks frontage on Capitol Parkway.

The Auburn-Crile Road Business Corridor Study goals indicate the Township did not really want to have industrial zoning along Auburn Road. They would not have re-zoned from BX to GB if that were their intention.

The Land Use and Zoning Committee recommended the change not be made because it did not conform to the Auburn Crile Comprehensive Plan, the proposed text did not include conditions and there were inconsistencies in the language regarding the location of where this use was to take place.

Mr. Adams moved to accept the recommendations of the Land Use and Zoning Committee to not make the requested change and Mr. Schaedlich seconded the motion.

All voted “Aye”.

Leroy Township – Proposed District Amendment of 1,943 Acres from R-1 to R-2

Mr. Radachy addressed this Leroy Township proposed district change. It consists of almost 2000 acres of land north of I-90, east of Concord Township, south of Perry Township and west of Madison Township that is currently zoned R-1 and B-2 to be changed to R-2. The R-2, Rural Residential, text went into effect on September 27, 2007. The applicant is the Leroy Township Zoning Commission. This district change is part of the 2005 Leroy Township Comprehensive Plan, except for a small triangular piece of property south of I-90 owned by Lake Metroparks.

The land Use and Zoning Committee recommended the district change be made.

The members discussed that Madison Township initiated the Scenic River Overlay, a three-acre parcel of land that would be more protective of the river than this area and the amount of land owned by Lake Metroparks that would provide a majority of the Grand River protection.

If this change would be accepted, there would only be about 15% of the lots in the area that would be non-conforming.

Mr. Schaedlich moved to accept the recommendations of the Land Use and Zoning Committee to make the district change and Mr. Zondag seconded the motion.

All voted “Aye”.

Madison Township – Proposed Text Amendment to Section 117 M-1, Light Manufacturing District

Mr. Radachy discussed the proposed text amendment in Madison Township to Section 117, M-1, Light Manufacturing District. A summary had been included in the handout showing the following suggested recommendations made by staff upon review:

1. Instead of stating any Business Activity occurring in M-1 district state that any activity occurring in M-1 requiring a zoning permit through section 140 or conditional use permit through section 142.4 will require a site plan.
2. Some of the uses listed in the permitted use and conditional use list require the use of land outside of an enclosed structure. Madison Township should add language that would permit this to happen. For an example...and shall be operated entirely within an enclosed structure *unless otherwise noted*. Then list outdoor storage and use of outdoor space as an accessory use for certain uses such as: *Agriculture services, general building contractor, landscape services, etc.*
3. Heavy Construction, except highway, is being added to the conditional use table. The SIC codes listed will allow for bridge, tunnel, water and sewer pipeline and communications contractors. These uses are very similar to highway construction.
4. The Township should consider eliminating the use of SIC codes as the permitted use list. The codes are inconsistent and may allow uses that were not intended on being allowed.
5. Staff recommends the exclusion of uses SIC 3274, 3292 and 3295.
6. Madison Township allows for sand and gravel mining in A-1 and A-R (both allow for residential). Sand and gravel mining are also allowed in P-1, B-1 and B-2. The uses allowed for in these areas are not as disruptive as uses in M-1. They are offices, and retail uses. Sand and gravel is also allowed in S-1, the green area along the Grand River. It does not make sense to eliminate sand and gravel mining in a light industrial zone when you allow for it in residential and business zones. Either leave sand and gravel mining in M-1 or eliminate it in all districts.

The Land Use and Zoning Commission recommended the text be accepted with staff's modifications.

Mr. Brotzman stated he had spoken to Mr. Jerry Klco, Madison Township Zoning Inspector, about this sand and gravel mining issue who said they were going to keep it in all the districts.

Mr. Schaedlich moved to accept the recommendations of the Land Use and Zoning Committee, which also includes staff recommendations. Mr. Adams seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Mr. Webster stated the next Coastal Plan Committee meeting will be held on February 27, 2008 at 6:30 p.m.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Commissioners' Budget Hearing

Mr. Brotzman stated that Mr. Webster advised him that there would be a budget hearing on Wednesday, February 20, 2008, at 2:00 p.m. with the County Commissioners. He reminded the members that last time salary changes were requested for the staff, Mr. Sines recommended that one or as many of the members who chose could come to the Commissioners' meeting to plead our case. Mr. Brotzman encouraged any members to attend who could and felt the Planning Commission should be represented at this meeting.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Hausch moved and Mr. Morse seconded the motion to adjourn at 9:09 p.m.

All voted "Aye".

Walter R. Siegel, Chairman

Darrell C. Webster, Director/Secretary